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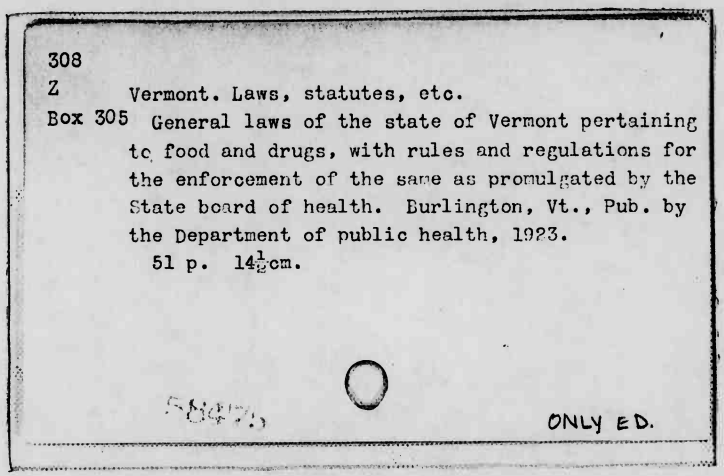
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General Laws

of the

STATE of VERMONT

pertaining to

FOOD AND DRUGS

WITH

RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE SAME AS PROMULGATED BY THE STATE BOARD OF HEALTH

308
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Box 305

PUBLISHED BY THE
DEPARTMENT OF PUBLIC HEALTH
BURLINGTON, VT.
1923

Capital City Press, Montpelier, Vt.

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NOTE.

This pamphlet contains the laws of the State of Vermont pertaining to food and drugs, revised and corrected to June 1923, together with rules and regulations promulgated under the authority of law. Copies of this pamphlet may be had by addressing the State Department of Public Health, Burlington.

Laws Pertaining To FOOD AND DRUGS

CHAPTER 268.

FOOD AND DRUGS.

Sec. 6263. Standards of purity; penalty. The standards of purity for food products, except as otherwise provided, shall be those adopted and now in use by the United States department of agriculture as authorized by acts of Congress approved June third, nineteen hundred and two, and March third, nineteen hundred and three, as promulgated by such department by circular nineteen issued in pursuance of such acts, and such standards as may hereafter be adopted or promulgated by such department pursuant to such authority. A person shall not sell or offer for sale food products that do not conform to such standards, after having received notice from the state board of health forbidding the same; provided, however, that food products failing to conform to such standards, if correctly and accurately labeled, may be sold when such sale does not conflict with the provisions of this chapter. A person who violates a provision of this section shall be imprisoned not more than six months, or fined not more than one hundred dollars nor less than five dollars, or both.

Sec. 6264. Adulterated, misbranded or misrepresented articles; sale prohibited. A person shall not sell, offer or expose for sale an adulterated or misbranded food, drug or substance, to be used for medicine, food or drink for men or domestic animals, or any

device or apparatus falsely and fraudulently represented to have medicinal or curative qualities.

Sec. 6265. Food and drugs; definitions. The word "food" as used in this chapter, shall include all articles whether simple, mixed or compound, used for food, drink, confectionery, or condiments, by man or beast. The word "drug" as used in this chapter, shall include all medicines and preparations recognized in the United States pharmacopœia or national formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or beast.

Sec. 6266. Adulterated food; definition. For the purposes of this chapter, an article of food shall be deemed to be adulterated if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; or if any substance has been substituted wholly or in part for the article; or if any valuable constituent of the article has been wholly or in part abstracted; or if it is mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed; or if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, provided that when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of such preservative are printed on the covering of the package, the provisions of this chapter shall be construed as

applying only when such products are ready for consumption; or if it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Sec. 6267. Adulterated drug; definition. For the purposes of this chapter, a drug shall be deemed to be adulterated if, when it is sold under or by a name recognized in the United States pharmacopœia or national formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States pharmacopœia or national formulary official at the time of investigation, provided that a drug defined in the United States pharmacopœia or national formulary shall not be deemed to be adulterated under this provision if the standard of strength, quality or purity is plainly stated upon the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States pharmacopœia or national formulary; or if its strength or purity falls below the professed standard or quality under which it is sold.

Sec. 6268. Adulterated confectionery; definition. For the purposes of this chapter, confectionery shall be deemed to be adulterated if it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drugs.

Sec. 6269. Misbranded; definition. The word "misbranded" as used in this chapter, shall apply to all drugs, or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which are false or misleading in any particular, and to any food or drug product which is falsely branded as to the state or country in which it is manufactured or produced.

Sec. 6270. Misbranded food; definition. For the purposes of this chapter, an article of food shall be deemed to be misbranded if it is an imitation of or offered for sale under the distinctive name of another article; or if it is labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so; or if the contents of the package originally put up have been removed in whole or in part and other contents have been placed in such package; or if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or preparation of any substances contained therein; or if in package form, the quantity of the contents is not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; provided, however, that reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section six thousand two hundred and seventy-four; or if the package containing it or its label bears any statement, design, or

device regarding the ingredients or the substances contained therein, which is false or misleading in any particular.

Sec. 6271. Misbranded drug; definition. For the purposes of this chapter, a drug shall be deemed to be misbranded:

I. If it is an imitation of or offered for sale under the name of another article;

II. If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package;

III. If its package or label bears or contains any statement, design or device regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein, which is false and fraudulent; or

IV. If the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein. Nothing in this paragraph shall be construed to apply to physicians' prescriptions, or preparations recommended and prescribed in the United States pharmacopœia or national formulary.

Sec. 6272. Foods, when not adulterated or misbranded. An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the case of mixtures or compounds which may be known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another

article, if the name is accompanied on the same label or brand with a statement of the place where such article has been manufactured or produced; or in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided that the word "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided that nothing in this chapter shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this chapter may require to secure freedom from adulteration or misbranding.

Sec. 6273. Adulterating or misbranding for purpose of sale; sale of such; destruction; penalty. A person who fraudulently adulterates or misbrands for the purpose of sale an article of food, drink, drug or medicine, as defined in this chapter, shall be imprisoned not more than one year or fined not more than four hundred dollars, and the articles so adulterated or misbranded shall be forfeited and destroyed under the direction of the court. A person who sells or offers for sale an article of food, drink, drug or medicine, which is adulterated or misbranded, or any kind of diseased or unwholesome provisions, as defined in this chapter, shall be imprisoned not more than one year or fined not more than four hundred dollars, and the articles so adul-

terated or misbranded, or such diseased or unwholesome provisions, shall be forfeited and destroyed under the direction of the court.

Sec. 6274. Rules and regulations of state board of health; penalty. The state board of health shall adopt such rules and regulations as it deems necessary to facilitate the enforcement of the provisions of this chapter, and for the collecting and examining of drugs, foods, liquors and candy, articles of clothing, fabrics, wall paper or anything containing poisonous pigments or substances whereby the health of any person may be injured. Said board shall cause such rules and regulations to be printed in pamphlet form for distribution, furnish to each local health officer a sufficient number of copies to supply the members of the local board of health and all practicing physicians in such town and furnish to each town clerk a sufficient number of copies for distribution under the provisions of law as to the distribution of the acts and resolves of the general assembly; and said local health officers and town clerks shall distribute the same. A person who violates a rule or regulation made under the provisions of this chapter for which no other penalty is provided, shall be fined not more than five hundred dollars.

Sec. 6275. Inspection of food; destruction. A member or officer of the state board of health, director, chemist or inspector of the state laboratory of hygiene, or a local health officer in his own town, may inspect the carcasses of slaughtered animals intended for food, and meat, fish, vegetables, produce, fruit or provisions, and for such purpose may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or

exposed for sale. If such carcasses or articles are designated for food for man and are found tainted, diseased, corrupted, decayed, unwholesome or from any cause unfit for food, the local board of health or such member or officer of the state board of health, director, chemist or inspector of the state laboratory of hygiene shall seize the same and cause it to be forthwith destroyed, or disposed of otherwise than for food.

Sec. 6276. Samples for analysis; prosecutions. A person who doubts the purity or genuineness of an article of food or drug which he has purchased, may, at his own expense, send a sealed sample of it to the state laboratory of hygiene for inspection. If, upon examination, such article appears to be adulterated or misbranded, the state board of health may obtain a certified sample of it, and, if such sample appears to be adulterated, said board shall immediately begin proceedings against the vendor.

Sec .6277. Purchase of samples. A person who offers or exposes for sale a drug or article of food within the meaning of this chapter, shall furnish to a member of the state board of health, a local health officer or a director, chemist or inspector of the state laboratory of hygiene, who applies for the same and tenders its value in money, a sufficient sample for the purpose of analysis of such drug or article of food.

Sec. 6278. Preservation of part of sample. The analyst before commencing the analysis of the sample shall, whenever possible, reserve a part thereof, which shall be sealed; and, in case of a complaint or indictment, a part of the reserved portion of such sample alleged to be

adulterated shall, upon application, be delivered to the defendant or his attorney and the other part to the secretary of the state board of health.

Sec. 6279. Adulteration and sale of liquor; penalty. A person who, for the purpose of sale, adulterates liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or other substance which is poisonous or injurious to health, or knowingly sells such liquor so adulterated, shall be imprisoned not more than one year or fined not more than one thousand dollars.

Sec. 6280. Selling, shipping or keeping with intent to sell or ship unwholesome meat for food purposes; penalty. A person who sells or offers to sell or keeps with intent to sell for food purposes, the flesh of any animal or fowl which died or was killed when diseased, or the flesh of a calf which was less than three weeks old or weighed less than fifty pounds, dressed weight, when killed, or a person who ships out of this state, for food purposes, the flesh of an animal or fowl which died or was killed when diseased, or the flesh of a calf which was less than three weeks old when killed, shall be imprisoned not more than one year or fined not more than three hundred dollars, or both. The possession of any such flesh dressed or packed in a manner suitable for sale or use as food, shall be prima facie evidence of the intention to sell the same, or to ship the same out of the state, for use as food.

Sec. 6281. Selling or keeping with intent to sell infected animals; penalty. A person who sells or offers to sell or keeps with

intent to sell an animal known to him to be infected with bovine tuberculosis or any other contagious disease, or any disease dangerous to public health, shall be imprisoned not more than one year or fined not more than three hundred dollars.

Sec. 6282. Regulation of the sale of poisonous drugs; record. A person other than a registered pharmacist or physician, who sells or keeps for sale arsenic, corrosive sublimate, chloroform, aconite, strychnine, morphine, opium, cocaine, eucaine, heroin, carbolic acid, prussic acid, paregoric, chloral hydrate, belladonna, cyanide potassium, digitalis, nux vomica or any salts, solutions, extracts or tinctures of such drugs, shall keep and offer them for sale only in original and sealed packages or bottles which shall have been prepared by a registered pharmacist or manufacturing chemist, and under a label on which shall be plainly printed the name and nature of the drug therein contained, the proper antidote to be given when taken in dangerous or poisonous quantities and the name of the pharmacist, manufacturing chemist or wholesale house that prepared or put up the same, with the name of the place where it was manufactured or prepared for sale. A person who sells any of such drugs shall have affixed to the bottle, box or wrapper containing the article sold, a label of white paper upon which shall be printed in red letters, the name and place of business of the vendor, and the words "Poison" and "Antidote," and the label shall also contain the name of an antidote, if any, for the poison sold. When a sale is made by anyone of any of such drugs, salts, solutions, extracts or tinctures, such sale shall be entered and recorded in a book kept for that purpose,

giving the name of the article sold, date of sale, to whom sold, residence of purchaser, for whom purchased, the use to be made of the article or drug purchased and the name of the salesman or clerk making such sale. Such book shall be in such form as the state board of health shall prescribe and shall be open to the inspection of health officers, members of the state board of health and state officials who may wish to examine the same. The provisions of this section shall not apply to compounds or preparations labeled according to other provisions of this chapter.

Sec. 6283. Same; penalty. A person who violates a provision of the preceding section shall be fined not more than one hundred dollars.

Sec. 6284. Application of two preceding sections. The provisions of the two preceding sections shall not apply to legally qualified practitioners of medicine or to their prescriptions or recipes to their patients.

Sec. 6285. Certain poisonous drugs to be sold only upon prescription; exception. A person, firm, or corporation shall not sell, furnish, give away or deliver any opium, morphine, heroin, codeine, cocaine, cannabis indica, cannabis sativa, or any preparation thereof, or any salt or compound of such substances, except upon the written prescription or written order of a licensed physician, dentist or veterinarian, bearing the name of the physician, dentist or veterinarian giving it. Such prescription when filled shall show the date of each filling and shall be retained on file by the druggist filling it for at least two years and it shall not again be filled except upon the order of the prescriber, given in person or in writing.

Such prescription shall not be copied, except for the purpose of record by the druggist filling the same, and it shall at all times be open to inspection by members of the state board of health, members of the state board of pharmacy, and their authorized agents, and by the police authorities of the state. The provisions of this and the four following sections shall not apply to prescriptions, or to the sale, distribution, giving away or dispensing of preparations and remedies, if such prescriptions, preparations or remedies do not contain more than two grains of opium or more than a quarter of a grain of morphine, or more than an eighth of a grain of heroin, or more than one grain of codeine, or more than half a grain of extract of cannabis indica, or more than half a grain of extract of cannabis sativa, or any salt or compound of any of them in one fluid ounce, or, if a solid or semisolid preparation, to the avoirdupois ounce; or to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts; or to compound medicinal tablets, pills or powders containing not over a twentieth of a grain of morphine or a quarter of a grain of codeine or any of their salts, except heroin, to each pill, powder or tablet; provided that such preparations, remedies or prescriptions are sold, distributed, given away or dispensed in good faith as medicines and not sold for the purpose of evading the provisions of this and the four following sections.

Sec. 6286. Regulations as to manufacturers, wholesalers, etc. Manufacturers, jobbers, wholesale druggists and licensed pharmacists, physicians, veterinarians and dentists may sell opium, morphine, heroin, codeine, cocaine, cannabis indica, cannabis sativa, or

any preparation thereof, or any salt or compound of such substances, to a manufacturer, jobber, wholesale druggist, licensed pharmacist, physician, veterinarian and dentist, and to an incorporated hospital; but such substances or preparations, except such as are included within the exemptions set forth in the preceding section, shall be sold only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, pharmacist, physician, veterinarian, dentist or superintendent of such incorporated hospital, which order shall state the article or articles ordered and the date. Such orders shall be kept on file in the laboratory, warehouse, pharmacy or store in which they are filled, by the proprietor thereof, or his successors, for not less than two years from the date of delivery, and shall, at all times, be open to inspection by members of the state board of health, members of the state board of pharmacy, and their authorized agents, and by the police authorities of the state.

Sec. 6287. Prescriptions by physician; evasion. The provisions of the two preceding sections shall not be construed to prevent a licensed physician, dentist or veterinarian from prescribing, administering or dispensing any drug that may be indicated for any patient under his care; provided that such prescribing, administering or dispensing is not for the purpose of evading the provisions of the two preceding sections; and provided, further, that every physician, dentist and veterinarian shall keep a record in a suitable book of the names and addresses of all patients to whom he dispenses narcotics; and provided, further that a veterinarian shall not prescribe any of the drugs mentioned in the second preceding section, for the use of a human being.

Sec. 6288. Falsely personating another for purpose of evasion; alteration of prescription. A person who, for the purpose of evading or assisting in the evasion of a provision of the three preceding sections, falsely represents that he is a pharmacist, physician, veterinarian or dentist, or that he is a manufacturer, jobber, wholesale druggist, or an agent or employee of an incorporated hospital, or who, not being a licensed physician, veterinarian or dentist, makes or alters a prescription for any of such substances, shall be deemed to have violated a provision of such sections.

Sec. 6289. Violation of four preceding sections; penalty. A person who violates a provision of the four preceding sections or who aids or abets another in such a violation, shall be imprisoned not more than one year, or fined not more than one thousand dollars nor less than fifty dollars, or both. Justices shall have concurrent jurisdiction with county, municipal and city courts of offenses under this and the preceding section.

Sec. 6290. Analysis of drugs. The state board of health shall make a chemical analysis to determine the composition and quality of any substance mentioned in the fifth preceding section on application of a state's attorney and shall furnish a certificate certifying to the composition or quality thereof. Such certificate, under seal of said board which shall be affixed by the chemist thereof making the analysis, shall be prima facie evidence of the composition and quality of the substance analyzed.

Sec 6291. Selling fabrics or paper containing arsenic. A person, corporation or agent who sells or offers for sale or exchange a woven fabric or paper containing arsenic in any form, or an article of dress or of household

use composed wholly or in part of such woven fabric or paper, or any article of dress containing arsenic, shall be fined not more than one hundred dollars; provided that the provisions of this section shall not apply to dress goods or articles of dress containing not more than a hundredth of a grain, nor to other material containing not more than a tenth of a grain, of arsenic per square yard of material.

Sec. 6292. Selling adulterated candy; penalty. A person by himself, servant or agent, or as a servant or agent, or a corporation by itself, servant or agent, shall not manufacture for sale or knowingly sell or offer for sale, candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors, flavors or other ingredients deleterious or detrimental to health.

Sec. 6293. Permit to use preservatives. Nothing in this chapter shall be so construed as to prevent the state board of health from issuing to a producer or manufacturer of foods or drinks a permit to use such preservatives or coloring matters as said board may determine are not detrimental to health.

Sec. 6294. Interfering with health officer; penalty. A person who in any way interferes with a member of the state board of health, a local health officer, or the director, chemist or inspectors of the state laboratory of hygiene, in the performance of their duties under this chapter, shall be fined not more than fifty dollars for the first offense and, for each subsequent offense, shall be fined one hundred dollars.

Sec. 6295. General penalty. A person or corporation that violates a provision of this

chapter for which other penalty is not provided shall be fined not more than one hundred dollars nor less than fifty dollars.

Sec. 6296. Notice of violations of United States statutes. The state board of health or an agent thereof shall notify the proper prosecuting officer of a violation of a United States statute for preventing the adulteration or misbranding of food or drugs.

Sec. 6297. Prosecutions; penalties; jurisdiction. The state's attorney to whom the state board of health reports a violation of this chapter shall cause proceedings to be commenced and prosecuted in the proper court without delay, for the enforcement of the penalties as in such case provided. Justices shall, except as hereinbefore provided, have concurrent jurisdiction with the county court of offenses under this chapter to the extent of fining the respondent fifty dollars, or may bind him over for trial by the proper court.

CHAPTER 269.

FOOD ESTABLISHMENTS.

Sec. 6298. Definitions. As used in this chapter, the word "food" shall include all articles used for food, drink, confectionery or condiment, by man, whether simple, mixed, or compound, and all substances and ingredients used in the preparation thereof; the word "establishment" shall include all buildings, rooms, basements, cellars, lofts, or other premises, or part thereof, used, occupied, or maintained for the purpose of manufacturing, preparing, packing, canning, bottling, keeping, storing, handling, serving, or distributing, in any manner, food for sale; and the word "person" shall

extend and be applied to a person, partnership, association, company or corporation.

Sec. 6299. General requirements. A person shall not manufacture, prepare, pack, can, bottle, keep, store, handle, serve, or distribute, in any manner, food, for the purpose of sale, in an unclean, insanitary, or unhealthful establishment, or under unclean, insanitary, or unhealthful conditions.

Sec. 6300. Special provisions. An establishment, subject to the provisions of this chapter, shall be constructed, maintained and operated with strict regard for the health of the employees and for the purity and wholesomeness of the food therein produced, kept, stored, handled, served, or distributed, so far as may be reasonable and necessary in the public interest and consistent with the character of the establishment, pursuant to the following general requirements:

I. The entire establishment and its immediate appertaining premises, including the fixtures and furnishings, the machinery, apparatus, implements, utensils, receptacles, vehicles, and other devices used in the production, keeping, storing, handling, serving or distributing of the food, or of the materials used in the food, shall be constructed, maintained, and operated in a clean, sanitary and healthful manner;

II. The food and the materials used in the food shall be protected from any foreign or injurious contamination which may render them unfit for human consumption;

III. The clothing, habits, and conduct of the employees shall be conducive to and promote cleanliness, sanitation and healthfulness.

IV. There shall be proper, suitable and adequate light, ventilation, drainage and plumbing;

V. There shall be proper, suitable, and adequate toilets and lavatories, constructed, maintained and operated in a clean, sanitary, and healthful manner.

Sec. 6301. Employees. An employer shall not require, permit or suffer any person affected with any contagious, infectious, or other disease or physical ailment which may render such employment detrimental to the public interest, to work in such establishment, and a person so affected shall not work in any such establishment, subject to the provisions of this chapter.

Sec. 6302. Powers and duties of state board of health. The state board of health may require a person proposing to work or working in an establishment, subject to the provisions of this chapter, to undergo a physical examination, for the purpose of ascertaining whether said person is affected with any contagious, infectious or other disease or physical ailment, which may render his employment detrimental to the public interest. The examination shall be made at a time and pursuant to conditions which shall be prescribed by said board. A person who refuses to submit to such examination shall not work or be required, permitted or suffered to work in any such establishment.

Sec. 6303. Powers of inspection. It shall be the duty of the state board of health to enforce the provisions of this chapter and it shall be permitted to inspect, through its duly authorized officers, inspectors, agents or assistants, at all reasonable times, an establishment subject to the provisions of this chapter.

Sec. 6304. Same; hearing; orders. If it appears upon such inspection that any establishment is being maintained or operated in violation of the provisions of this chapter, said board shall cause written notice thereof, together with an order commanding an abatement of such violation and a compliance with this chapter within a reasonable period of time to be fixed in the order, to be served upon the person violating such provisions. Under such rules and regulations as may be prescribed, a person upon whom such notice and order are served shall be given an opportunity to be heard and to show cause why such order should be vacated or amended. If, upon such hearing, it appears that the provisions of this chapter have not been violated, then the state board of health shall immediately vacate such order, but without prejudice. If, however, it appears that such provisions have been violated and such person fails to comply with an order issued by said board under the provisions of this section, said board shall, forthwith, certify the facts to the proper prosecuting officer.

Sec. 6305. State board of health to prescribe rules and regulations. Said board shall make uniform and necessary rules and regulations for carrying out the provisions of this chapter.

Sec. 6306. Penalty. A person who violates a provision of this chapter shall be fined not more than three hundred dollars for the first offense, and, for each subsequent offense, not more than five hundred dollars.

CHAPTER 270.

ICE CREAM AND ITS PRODUCTS.

Sec. 6307. Standard of purity. The standard of purity and quality for ice cream shall be as follows:

I. Ice cream, a frozen product made from cream and sugar, with or without gelatine and a natural flavoring and containing not less than fourteen per cent of milk fat;

II. Fruit ice cream, a frozen product made from cream, sugar, and sound, clean, mature fruits, with or without pure gelatine and containing not less than twelve per cent of milk fat;

III. Nut ice cream, a frozen product made from cream, sugar, and sound, nonrancid nuts, with or without pure gelatine and containing not less than twelve per cent milk fat;

Sec. 6308. Prohibition. An article of food marked, labeled, branded, named or called ice cream shall not be sold or offered for sale unless it shall conform to the standard established by this chapter.

Sec. 6309. Frozen food sold under descriptive name; regulation. Articles of food frozen in the form of ice cream but not conforming to the standards established by this chapter, may be sold or offered for sale under any fancy, descriptive, or trade-name whatsoever, except that the words "ice cream" or "cream" shall not be a part of such name; nor appear, nor be used in any manner whatsoever in connection with such product or the sale thereof.

Sec. 6310. Penalty. A person who violates a provision of this chapter shall be fined not more than two hundred dollars.

CHAPTER 248 (in part).

MILK, CREAM, BUTTER AND CHEESE.

General Provisions.

Sec 5907. Dilution or adulteration of milk; penalty. A person shall not sell, furnish or have in his possession with intent to sell or furnish, milk or cream diluted with water, adulterated or not of standard quality, or milk or cream which is treated with chemicals; nor shall a person sell, offer for sale or furnish milk from which the cream or a part thereof has been taken, or retain the part of the milk known as "strippings," without the full knowledge of the person to whom such milk is sold, offered for sale or furnished. A person who violates a provision of this section shall be fined not more than three hundred dollars nor less than fifty dollars for each offense.

Misuse of Milk Receptacles.

Sec. 5917. Misuse; penalty. A person, who, by himself, his servant or agent, or as the servant or agent of any other person, partnership or corporation, having the custody of a receptacle used as a container for milk destined for sale or for use in the manufacture of any food product destined for sale, places, or causes or permits to be placed, or suffers to remain therein, any offal, swill, kerosene, vegetable matter or any article or substance other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing such receptacle, shall be fined not more than ten dollars for each receptacle so misused.

Sec. 5918. Shipping misused receptacles; penalty. A person who, by himself, his

servant or agent, or as the servant or agent of any other person, partnership or corporation, sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered, or in any way aids or assists therein, to a producer of milk or to any other person, any receptacle used as a container of milk, containing any offal, swill, kerosene, vegetable matter, or any other offensive material or substance, shall be fined not more than ten dollars for each offense.

Sec. 5919. Duty of person receiving misused receptacles. A person who receives from a person, partnership or corporation any receptacle used or to be used as a container of milk, containing any offal, swill, kerosene, vegetable matter, decayed or decomposed matter, or any other offensive material or substance, shall forthwith submit such receptacle to the health officer of the town where such receptacle is received, for examination; and if such health officer finds such receptacle to be in such condition as to be a menace to the public health, it shall be adjudged a nuisance, and the health officer shall act relative thereto as provided in chapter two hundred and sixty-seven.

Sec. 5920. Same; penalty. A person who fails to submit to the health officer a receptacle used or to be used as a container of milk, as required in the preceding section, shall be fined not more than five dollars for each offense.

Licenses for Sale of Milk and Cream.

Sec. 5921. General provisions. A person carrying on the business of selling, supplying or delivering milk or cream from house to

house or who sells milk or cream over the counter for consumption as food, shall not sell, supply or deliver, milk or cream whether produced from cows owned by him or in his possession or under his control, or purchased by him for sale from other dairies, to the inhabitants of the state unless he has procured a license therefor from the board of health of the town in which such milk or cream is sold, which is hereby authorized to issue such a license. Before granting such license, the state board of health, or its authorized agents, or said board of health of such town, shall make, or cause to be made, a thorough inspection and examination of the cows producing such milk or cream, of the barns, stables and premises where such cows are kept, of all pails, cans and measures used in connection with such business, and of the neatness and cleanliness with which such milk or cream is obtained and dispensed. Such licenses shall not be granted unless such cows are in a healthy condition, nor unless the barns, stables, premises and utensils used in connection therewith are in good sanitary condition, nor unless such milk and cream are obtained and sold in a neat and cleanly manner; and if the state board of health certifies to the board of health of any town that a person named therein should not be granted a license, a license shall not be granted such person. A person who incidentally sells or furnishes to his neighbors milk or cream from his private dairy shall not be deemed to be carrying on the business of selling or supplying milk or cream within the meaning of this section.

Sec. 5922. Samples; examination; penalty. Said board of health of such town shall, at least semiannually, send to the state laboratory of hygiene for examination, sam-

ples of milk or cream from the herd of each party who has obtained a license, and said licensee shall allow said board to take such samples whenever it desires. A person who violates a provision of this or the preceding section shall be fined not more than fifty dollars nor less than five dollars.

Sec. 5923. Term of license fee. Such license shall be for a term of one year, unless sooner revoked by said board of health of such town for just cause, and the fee for such license shall be two dollars, to be retained by said board for its services under the two preceding sections.

Imitation of Butter and Cheese.

Sec. 5929. Butter; labels. A person who, by himself or agent, sells, exposes for sale or has in his possession with intent to sell, an article, substance or compound, made in imitation of butter or as a substitute for butter, and not made wholly of milk or cream, or containing fats, oils or grease not produced from milk or cream, shall have the words "imitation butter," or if such substitute is a compound known as oleomargarine, then the word "oleomargarine," or if it is known as butterine, then the word "butterine," stamped, labeled or marked upon the top, side and bottom of each tub, firkin, box or package containing such article, substance or compound; or if such article, substance or compound is not in the original package, then upon a label to be attached in a conspicuous place to such article, substance or compound. In case of retail sales of such article, substance or compound not in the original package, the seller shall attach in a conspicuous place to each

package and deliver therewith to the purchaser a label or wrapper bearing the words "imitation butter," "oleomargarine" or "butterine," as the article may be. Such words shall be stamped, labeled or marked in a straight line in printed letters of plain uncondensed gothic type, not less than half an inch in length so that such words cannot be easily defaced, and other words shall not appear in connection therewith.

Sec. 5930. Cheese; labels. A person who, by himself or agent, sells, exposes for sale or has in his possession with intent to sell, an article, substance or compound made in imitation of or as a substitute for cheese and not made wholly from milk or cream, or containing fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" stamped, labeled or marked in printed letters of plain roman type, not less than one inch in length so that such words cannot be easily defaced, upon the side of each cheesecloth or band around the same, and upon the top and side of each tub, firkin, box or package containing such article, substance or compound. In case of retail sales of such article, substance or compound not in the original package, the seller shall attach in a conspicuous place to each package and deliver therewith to the purchaser a label or wrapper bearing the words "imitation cheese" in printed letters of plain roman type, not less than half an inch in length.

Sec. 5931. Violation of two preceding sections; penalty. A person who violates a provision of the two preceding sections, or who, with intent to deceive, erases, defaces, cancels or removes a mark, stamp, brand, label or wrapper provided for in the two preceding

sections, shal be fined one hundred dollars for the first offense and, for each subsequent offense, two hundred dollars.

Sec. 5932. Sale of imitation butter as butter; penalty. A person who, by himself or agent, sells, exposes for sale or has in his possession with intent to sell, an article, substance or compound made in imitation of butter or as a substitute for butter and not made wholly of milk or cream, or containing fats, oils or grease not produced from milk or cream, contained in a box, tub, article or package, marked or labeled with the word "dairy," or the word "creamery," or the name of a breed of dairy cattle, shall be fined one hundred dollars for the first offense and, for each subsequent offense, two hundred dollars.

Sec. 5933. Prosecutions. A state's attorney may enter places where butter or cheese is stored, or kept for sale, and may take specimens of suspected butter and cheese, and cause them to be analyzed or otherwise satisfactorily tested, and he shall record and preserve the result of such analysis or test as evidence. The expense of such analysis or test, not to exceed twenty dollars in any one case, may be included in the costs of prosecution.

Sec. 5934. Butter and Cheese; definitions. The word "butter" and "cheese" as used in the first, second, fourth and fifth preceding sections, shall mean the products usually known by those names, manufactured wholly from milk or cream with salt and rennet with or without coloring matter.

Oleomargarine.

Sec. 5944. License; fees. The secretary of state may license, in writing, persons to sell

oleomargarine in any town, and such licensee shall pay therefor, for the benefit of the state, the sum of twenty-five dollars, the same to be paid to said secretary when such license is issued. Said secretary shall quarterly cover into the state treasury all moneys received under the provisions of this section. Such license shall entitle the licensee to sell oleomargarine for a period of one year from the date of issue. Said secretary shall record such licenses, when issued, in a book kept for that purpose.

Sec. 5945. Selling without license; penalty. A person, not licensed as provided in the preceding section, who sells or offers for sale oleomargarine shall be fined not more than five hundred dollars nor less than one hundred dollars.

Sec. 5946. Notice; penalty. An owner or proprietor of a public dining room using oleomargarine on the tables therein or for cooking food for use therein, shall post in conspicuous places, and which can be read from every table in such room, a sign with letters at least three inches high, which shall read, "Oleomargarine used here." An owner or proprietor, or if the owner or proprietor is a corporation, any officer thereof, who violates a provision of this section shall be fined not more than two hundred dollars nor less than fifty dollars.

CHAPTER 267 (in part)

Slaughterhouses and Meat.

Sec. 6258. Regulations; penalty. The state board of health shall make and enforce such regulations as it deems best for the purpose of controlling the sanitation of slaughterhouses

and other places where meat and meat products are prepared and kept, either for sale or storage. A person shall not carry on the business of butchering in a building or upon premises within two hundred feet of a dwelling house, without the consent in writing of the local board of health describing the building and premises and limiting the time said person may carry on such business; and the secretary of the local board of health shall, in cases where such consent is given, make inspections when necessary of such building or premises wherein butchering is done, and direct and prescribe regulations under which such business may be carried on. A person who violates a provision of this section shall be fined not more than three hundred dollars nor less than fifty dollars.

Inspection of Meat.

Sec. 6259. Inspectors; duties; fees. The state board of health or a local board of health may appoint inspectors of meat who shall at the request of the shipper inspect meat intended for interstate shipment. An inspector shall receive therefor a fee of twenty-five cents each for the first five animals inspected and five cents for each animal in excess of five and ten cents a mile each way for travel, to be paid by the person requesting such inspection. The state board of health shall make necessary rules and regulations relating to such inspection and the marking of animals so inspected.

CHAPTER 308. (in part).

Sec. 7038. Wood alcohol or methyl; sale for medicinal purposes. A person shall not sell, offer or expose for sale or have in his custody, possession or control with intent to distribute

or sell any commodity, food, drug, preparation or mixture of any kind whatever intended for internal use, which contains methyl or wood alcohol, or sell, offer or expose for sale or distribution, or have in his custody, possession or control with intent to distribute, sell, furnish, or use upon or apply to the body of another, any drug, hair tonic, bay rum or similar preparation intended for external use, which contains methyl or wood alcohol. Nothing in this section shall apply to veterinary remedies containing methyl or wood alcohol, when such remedies are plainly and distinctly labeled in such manner as to indicate that they are intended solely for external use on animals.

Sec. 7039. Penalty. A person who violates a provision of the preceding section shall be imprisoned not more than three months or fined not more than one hundred dollars nor less than five dollars.

Sec. 7040. Bread; to be wrapped. A person shall not carry or cart about with intent to sell or offer for sale, or deliver to customers after it has been sold, for human food, any kind or quality of bread or cake in loaf form, unless each loaf is wrapped separately in waxed paper, tissue paper or some similar wrapper or a sanitary container of sufficient thickness and quality to protect the bread and cake from dust and dirt. A person who violates a provision of this section shall be fined five dollars for each offense.

Rules and Regulations

FOR THE ENFORCEMENT OF THE PURE FOOD AND DRUG LAW

The Vermont Food and Drug laws are very similar to those of the National Food and Drug act hence most of the regulations herein issued by the State Board of Health, in so far as they are based upon such law, are identical with those issued by the national government.

Authority for these Rules and Regulations is given in Section 6274 of the Food and Drug Law.

Regulation 1.—Short Title of the Act.

Chapter 268 shall be know and referred to as the Vermont Pure Food and Drug Law.

Regulation 2.—Enforcement.

The enforcement of this law is made the duty of the State Board of Health. The State Board of Health, the director, a chemist or inspector of the Laboratory of Hygiene, and the health officers of the several towns and cities are food and drug inspectors.

Regulation 3.—Duty of Inspectors.

It shall be the duty of the State Health officers and food and drug inspectors:

1. To collect samples of foods and drugs for examination and analysis;
2. To inspect dairies, creameries, cheese factories and other places where milk products are made and prepared;

3. To inspect stock yards, abattoirs and slaughter houses where animals are kept for slaughter, slaughtered and prepared for market;
4. To inspect canning factories, confectioners' factories, pickling factories, syrup refineries, bottling works, drug manufactories and other places where foods and drugs are made and prepared;
5. To inspect grocery stores, meat markets, fish markets, drug stores and all other places dealing in or selling food and drugs;
6. To inspect bakeries, bakeshops and other places where bread, cake, pastries, confections and similar products are prepared for sale;
7. To inspect restaurants, hotels and other public places where food is prepared and sold;
8. To assist local officials in the prosecution of violations of the Food and Drug Laws.

Inspectors shall conduct their examinations quietly and in such manner that no unnecessary antagonism will be aroused against their work. They will remember always that it is the policy of the Board of Health to co-operate with manufacturers, wholesalers and retailers in securing pure goods.

Regulation 4.—Compensation of Collectors.

When any local health officer is so requested by the secretary of the State Board of Health, he shall procure a sample of any drug, article of food, or other substance, specified in said act, and forward to the Laboratory of Hygiene, securely sealed. He shall also fill out the blank furnished by the State Board of Health for the purpose, and forward to the Laboratory, together with a statement of money paid out for such sample. He shall also send receipted bills in duplicate. For each single sample so sent, the local health officer shall receive the sum of

twenty-five cents, for each additional sample the sum of ten cents, in addition to the sum he pays for the sample.*

Regulation 5.—Collection of Samples

Samples may be purchased in the open market in the original, unbroken package, when possible, but if in bulk, the marks, brands or tags upon the package, carton, container wrapper or accompanying printed or written matter shall be noted.

The collector shall also note the names of the vendor and agent through whom the sale was actually made together with the date of purchase. The collector shall purchase representative samples.

A sample shall be delivered to the party from whom the purchase is made provided he requests it.

All samples shall be labeled with identifying marks and sealed by the collector with a seal provided for the purpose.

Regulation 6.—Methods of Analysis.

(*a*) Drugs recognized in the United States Pharmacopœia or National Formulary for which methods of analysis have been prescribed in said Pharmacopœia or National Formulary shall be analyzed by these methods.

(*b*) All foods and such drugs as are not included in paragraph (*a*) of this regulation shall be analyzed by the methods prescribed by the Association of Official Agricultural Chemists, when applicable.

(*c*) All foods or drugs for which no methods of analysis have been prescribed either in the Pharmacopœia or National Formulary or by

*Attention is called to Section 6762 of Chapter 268 relative to individuals sending samples.

the Association of Official Agricultural Chemists, shall be analyzed or examined by methods generally acceptable for such products.

Regulation 7.—Guaranty.

It having been determined that the legends "Guaranteed under the food and drugs act, June 30, 1906," and "Guaranteed by (name of guarantor), under the food and drugs act, June 30, 1906," borne on the labels or packages of foods and drugs, are each misleading and deceptive, in that the public is induced by such legends to believe that the articles to which they relate have been examined and approved by the Government and that the Government guarantees that they comply with the law, the use of either legend, or any similar legend, on labels or packages is prohibited.

Regulation 8.—Standards for Drugs.

(Section 6267).

(*a*) A drug sold under or by a name, or a synonym, recognized in the United States Pharmacopœia or National Formulary, unless labeled as prescribed by paragraph (*b*) of this regulation, shall conform to the standard of strength, quality, or purity for the article as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation. An article shall not be deemed to conform to such standard of strength, quality, or purity unless it conforms in every respect to all the requirements and specifications of the United States Pharmacopœia or the National Formulary for the article.

(*b*) A drug sold under or by a name, or a synonym, recognized in the United States

Pharmacopœia or the National Formulary which does not conform to the standard of strength, quality, or purity for the article as determined by the test laid down therein shall be labeled with a statement to the effect that the drug is not a United States Pharmacopœia or National Formulary article; in addition it shall be labeled with a statement showing its own actual strength, quality, or purity, or else with a clear and exact statement of the nature and extent of the deviation from the standard of strength, quality, or purity set out for such article in the United States Pharmacopœia or National Formulary.

Regulation 9.—Confectionery.

(Section 6268)

The term "food" includes articles used for confectionery. The provisions of the act relating to food, as well as the specific provisions relating to confectionery, apply to confectionery.

Regulation 10.—Powdered.

(Section 6266)

An article of food shall neither be covered with a powder nor reduced to a powder in such manner that damage or inferiority is concealed.

Regulation 11.—Poisonous or Deleterious Ingredients.

(Section 6266)

A poisonous or other deleterious ingredient shall not be added to an article of food in such quantity as may by any possibility render the article injurious to health. Any ingredient artificially introduced into an article of food is an added ingredient.

Regulation 12.—External Application of Preservatives.

(Section 6266).

A food to which a preservative is applied externally, in order to be within the proviso of section 7, paragraph fifth, must bear on the covering or package directions for the effective removal of such preservative.

Regulation 13.—Colors and Preservatives.

(Sections 6266 and 6268).

(*a*) Only harmless colors and harmless preservatives may be used in articles of food.

(*b*) A color, preservative, or other substance, even though harmless, shall not be used in the preparation of any article of food in a manner whereby damage or inferiority is concealed.

(*c*) The wholesomeness of colors, preservatives, and other substances which are added to foods shall be the same as determined by the U. S. Dept. of Agriculture.

Regulation 14.—Label.

(Sections 6269, 6270 and 6271)

(*a*) The term "label," as used in the act, includes any legend and descriptive matter or design appearing upon the article or its container, and also includes circulars, pamphlets, and the like which are packed and go with the article to the purchaser, and such letters, circulars, and pamphlets to which reference is made either on the label attached to the package or on the package itself.

(*b*) The label shall bear, plainly and conspicuously displayed, all the information specifically required by the act, e. g., the quantity of

the contents of food in package form, in accordance with regulation 26, and the quantity or proportion of the drugs named in sections 6269, 6270 and 6271 of the act, in accordance with regulations 24 and 25. The label shall also bear such other descriptive matter as the character of the product may require.

(*c*) A label in a foreign language shall conform to these regulations and shall bear all the information required by the act in English, as well as in each of the foreign languages used to describe the article of food or drugs.

(*d*) The label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular. The terms "design" and "device" include pictorial matter of every description, abbreviations, characters, and signs.

(*e*) A food or drug product shall not be labeled or branded in such a manner as to deceive or mislead the purchaser. Direct misstatements and indirect misrepresentations regarding the article or its ingredients by means of designs, printed testimonials, devices, or artifices in the arrangement, style or dress of the package, or in the arrangement of the printed or pictorial matter in or upon the label or package are prohibited.

(*f*) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent. In the case of drugs the nomenclature employed by the United States Pharmacopœia and the National Formulary shall obtain.

(*g*) The statement of the formula is not required on the label except in so far as may be necessary to prevent adulteration or misbranding.

(*h*) An article so labeled as to convey the impression that all of its ingredients are declared is misbranded if the list of ingredients is incomplete.

Regulation 15.—When Label is Required.

(Sections 6269, 6270 and 6271)

The use of a label is not compulsory except in the following cases:

(*a*) Imitations (regulation 20, (*a*).

(*b*) Foods and drugs containing the ingredients mentioned in sections 6270 and 6271 (regulations 24 and 25).

(*c*) Drugs which fall within the proviso of section 6267 (regulation 8, (*b*)).

(*d*) Foods in package form (regulation 26).

(*e*) Compounds and blends which are brought within the proviso of section 6272 (regulations 19 and 20.)

(*f*) Substitution (regulation 21).

(*g*) Foods which fall within the proviso of section 6266 (regulation 12).

(*h*) By-product or waste material (regulation 22).

(*i*) Articles which require specific labeling to avoid adulteration or misbranding.

Regulation 16.—Name and Address of Manufacturer.

(Section 6269)

(*a*) The name of the manufacturer or producer need not be given upon the label, but if given it must be the true name. The words "Packed for———," "Distributed by———," or some equivalent phrase, shall be added to the label in case the name which appears upon the

label is not that of the actual manufacturer or producer.

(*b*) The place of manufacture or production need not be given upon the label except where, in order to avoid misbranding, it is necessary to indicate clearly that the article is of domestic and not foreign origin, and also in the case of mixtures and compounds sold under their own distinctive names (regulation 19), to bring the articles within the terms of the proviso of section 6272.

(*c*) The place of manufacture or production, if given, must be correctly stated.

(*d*) When a person, firm, or corporation actually manufactures or produces a food or a drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when the mention of any place, to the exclusion of the others, deceives or misleads.

Regulation 17.—Character of Name

(Section 6269).

(*a*) A simple or unmixed food or drug product shall be sold by its common name in the English language; or if a drug recognized in the United States Pharmacopœia or National Formulary, by the name or names therein designated.

(*b*) A geographical name indicating that a food or drug product was manufactured or produced in a specific place shall not be used unless such product was manufactured or produced in that place.

(*c*) A name which is distinctive of a product of a specific foreign country shall not be used up on an article not manufactured or produced in that country, except as an indication of the type or style of quality or manufacture, and

then only when the product possesses substantially the characteristic qualities of the product of that foreign country. Such name shall be so qualified as to remove any impression that the article was manufactured or produced in the country in which the name is distinctive.

Regulation 18.—"Distinctive Name" and "Own Distinctive Name."

(Sections 6270 and 6272).

(*a*) A "distinctive name" is a name that distinguishes one kind of food from another.

(*b*) The expression "own distinctive name" as used in section 8, paragraph fourth, means a name which is purely arbitrary or fanciful and distinguishes a particular article of food from all other articles of food. It shall not give a false indication of origin, character, composition, ingredients, or place of manufacture, and shall not lead the purchaser to suppose that the product is other than what it is.

Regulation 19.—Mixtures or Compounds with Distinctive Names.

(Section 6272)

(*a*) The terms "mixtures" and "compounds" are interchangeable.

(*b*) Mixtures or compounds with distinctive names shall not be imitations of other articles whether simple, mixed, or compound, or offered for sale under the names of other articles. In addition to the distinctive name, they shall bear on the same label or brand the name of the place of manufacture or production. If the name of the place be one which is found in different States, Territories, or countries, the name of the

State, Territory, or country, as well as the name of the place, must be stated.

(*c*) An article of food is not within the terms of the proviso of section 6272, unless it is labeled in accordance with this regulation.

Regulation 20.—Imitations, Blends, Compounds without Distinctive Names.

(Sections 6270 and 6272).

(*a*) An imitation shall bear on the label the word "imitation," and, in addition, a clear statement of the principal or essential ingredients of the article.

(*b*) Compounds and blends, in order to be within section 8, paragraph fourth, in the case of food subparagraph second, shall bear on the label the word "compound" or "blend," as the case may be, and, in addition, a clear statement of the principal or essential ingredients of the article.

Regulation 21.—Substitution.

(Section 6266 and 6270).

When a substance of a recognized quality commonly used in the preparation of a food product is replaced in whole or in part by another substance not injurious or deleterious to health, the name of the substitute shall appear upon the label.

Regulation 22.—By-product or Waste Food Material.

(Sections 6266 and 6270).

A food which consists in whole or in part of sound by-product or waste food material, such

as pieces, stems, trimmings, and the like, shall not be labeled with the unqualified name of the substance from which such material is derived.

Regulation 23.—Certain Adulterations not Corrected by Label.

(Section 6266 and 6268).

Proper labeling alone will not remove an article from the operation of the law. Certain forms of adulteration, e. g., the addition of a poisonous or deleterious ingredient which may render the article injurious to health, can not be corrected by any form of labeling.

Regulation 24.—Substances Required to be Stated on the Label.

(Sections 6270 and 6271).

(*a*) A drug is misbranded if it fails to bear a statement on the label of the quantity or proportion of alcohol of any kind, morphine, opium, heroine, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substances therein contained. Such statement shall be made in a plain and conspicuous manner.

(*b*) A food is misbranded if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, heroine, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances therein contained. Such statement shall be made in a plain and conspicuous manner.

(*c*) The term "alcohol" without qualification means ethyl alcohol. If any alcohol other than ethyl alcohol be present in a drug the kind must be stated on the label. No statement is required of the presence of alcohol in foods.

(*d*) In declaring the quantity or proportion of any of the substances specified in paragraphs (*a*) and (*b*) of this regulation, the names by which they are designated in the act shall be used. In declaring the quantity or proportion of derivatives of any of the specified substances, in addition to the trade name of the derivative, the name of the specified substance shall also be stated so as to indicate clearly that the product is a derivative of the particular specified substance.

Regulation 25.—Method of Stating Quantity or Proportion.

(Sections 6270 and 6271).

(*a*) The quantity of alcohol in a drug shall be stated in terms of the average percentage by volume of absolute alcohol in the finished product.

(*b*) In a liquid the quantity of any substance specified in regulation 24, except alcohol, and the quantity of any derivative or preparation of any such substance, including derivatives of alcohol, shall be stated in terms of grains or minims per liquid ounce; in a solid, the quantity shall be stated in terms of grains or minims per avoirdupois ounce, provided that statements may be in terms of the metric system, if preferred.

(*c*) When two or more pills, wafers, tablets, powders, capsules, and the like are put up for sale or distribution in the same container, the quantity of the specified substance or derivative present in each pill, wafer, tablet, powder, capsule, or other unit, shall be stated.

(*d*) A statement of the maximum quantity or proportion of any substance specified in regulation 24 present will meet the requirements,

provided the maximum stated does not vary materially from the average quantity or proportion.

Regulation 26.—Statement of Weight, Measure, or Count.

(Section 6270).

(*a*) Except as otherwise provided by this regulation, a package of food shall be plainly and conspicuously marked with the quantity of the contents in terms of weight, measure, or numerical count on the outside of the container, or of the covering of the package usually delivered to the consumer.

(*b*) The quantity of the contents so marked shall be the quantity of food in the package.

(*c*) The statement of the quantity of the contents shall be plain and conspicuous, shall not be a part of or obscured by any legend or design, and shall be so placed and in such characters as to be readily seen and clearly legible when the size of the package and the circumstances under which it is ordinarily examined by purchasers or consumers are taken into consideration.

(*d*) The quantity of the contents when stated by weight or measure shall be marked in terms of the largest unit contained in the package, except that, in the case of an article with respect to which there exists a definite trade custom for marking the quantity of the article in terms of fractional parts of larger units, it may be so marked in accordance with the custom. Common fractions shall be reduced to their lowest terms; fractions expressed as decimals shall be preceded by zero and shall be carried out to not more than two places.

(*e*) Statement of weight shall be in terms of

the avoirdupois pound and ounce; statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, i. e., gallons, quarts, pints, or fluid ounces, and shall express the volume of the liquid at 68° F. (20° C.); statement of dry measure shall be in terms of the United States standard bushel of 2,150.42 cubic inches and its customary subdivisions, i. e., bushels, pecks, quarts, or pints, or, in the case of articles in barrels, in terms of the United States standard barrel and its lawful subdivisions, i. e., third, half, or three-quarters barrel, as fixed by the act of March 4, 1915 (38 Stat. 1186): *Provided*, That statement of quantity may be in terms of metric weight or measure. Statement of metric weight shall be in terms of kilograms or grams. Statement of metric measure shall be in terms of liters or cubic centimeters. Other terms of metric weight or measure may be used if it appears that a definite trade custom exists for marking articles with such other terms and the articles are marked in accordance with the custom.

(*f*) The quantity of solids shall be stated in terms of weight and the quantity of liquids in terms of measure, except that in case of an article in respect to which there exists a definite trade custom otherwise the statement may be in terms of weight or measure in accordance with such custom. The quantity of viscous or semi-solid foods or of mixtures of solids and liquids may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as, for example, "weight 12 oz." or "12 oz. avoirdupois," "volume 12 ounces" or "12 fluid ounces."

(*g*) The quantity of the contents shall be stated in terms of weight or measure unless the

package is marked by numerical count and such numerical count gives accurate information as to the quantity of the food in the package.

(*h*) The quantity of the contents may be stated in terms of minimum weight, minimum measure, or minimum count, for example, "minimum weight 10 oz.," "minimum volume 1 gallon," or "not less than 4 fl. oz.," but in such case the statement must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(*i*) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed:

(1) Discrepancies due exclusively to errors in weighing, measuring, or counting which occur in packing conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles and similar containers, resulting solely from unavoidable difficulties in manufacturing such bottles or containers so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles or similar containers which, because of their design, can not be made of approximately uniform capacity than is allowed in case of bottles or similar containers which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in weight or measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of the packages to evaporation or to the absorption of water.

Discrepancies under classes (1) and (2) of this paragraph shall be as often above as below the marked quantity. The reasonableness of discrepancies under class (3) of this paragraph will be determined on the facts in each case.

(*j*) A package containing one-half avoirdupois ounce of food or less is "small" and shall be exempt from marking in terms of weight.

(*k*) A package containing one fluid ounce of food or less is "small" and shall be exempt from marking in terms of measure.

(*l*) When a package is not required by paragraph (*g*) to be marked in terms of either weight or measure and the units of food therein are six or less, it shall, for the purpose of this regulation, be deemed "small" and shall be exempt from marking in terms of numerical count.

Regulation 27.—Alterations and Amendments of Regulations.

These regulations may be altered or amended at any time without previous notice, by the state board of health.

The foregoing rules and regulations are hereby adopted, effective July 1, 1923 and all previous regulations for the enforcement of the Federal food and drugs act are hereby rescinded.

THE FOLLOWING RULES AND REGULATIONS GOVERNING FOOD ESTABLISHMENTS ARE MADE UNDER AUTHORITY OF SEC. 6305 CHAP 269

The law applies to every place where food-products are made, stored, distributed, transported, or handled, also to all persons employed in the preparation or handling of the same.

Coming under the provisions of this law are bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, ice cream establishments, bottling establishments, saloons, soda fountains,

milk depots, fruit stores, drug stores (beverages and confectionery), and all other food producing establishments, manufactories or other places where food is prepared, manufactured packed, sold or distributed, all vehicles in which food is placed for transportation, and all places where foods are exposed and on sale.

All bottles used for soft drinks and beverages and all tumblers or other vessels from which liquids are drunk in saloons, drug stores, soda water fountains, hotels and restaurants should be washed in clean water and sterilized in boiling water or steam before use unless paper cups or linings are used. All refuse dirt and waste products subject to decomposition should be removed daily. Refrigerators, garbage, and refuse cans should be washed in hot water with soap or soda and rinsed at least weekly. All parts of the establishments should be kept free from flies, roaches and vermin at all times. Cuspidors should be provided wherever necessary, and each cuspidor shall be emptied and thoroughly washed daily with disinfectant solution. Expectorating on walls or floors should be forbidden.

All doors, windows, or other openings should be properly screened during fly season.

Food products, except fruits and vegetable that are cut or peeled before use, should not be placed in carts, on sidewalks or other open places unless protected from insects and dust and should be placed not less than two feet above ground.

Operatives, employees, clerks, drivers, milkers and all other persons on the premises, or who handle material from which food is prepared, or the finished product, come under the provisions of this act.

Floors of all places coming under this provision should be constructed of smooth, non-absorbent material that can be flushed and washed clean.

Toilet and wash-rooms must be provided separated and apart from the room or rooms where the process of manufacture, packing, canning, selling, or distributing is conducted. Proper ventilation must be furnished for these rooms and the help should, before commencing work or after visiting the toilet, wash their hands.

Typhoid carriers (persons still discharging the germ of typhoid fever) or persons having venereal disease, tuberculosis, or any other communicable disease must not be employed.

MSH 24160

END OF
TITLE